

### **Remarks**

In response to the Official Action dated March 2, 2009, in which the Examiner required restriction of the present invention under 35 USC §121 and §372, Applicants submit herein a response to the Restriction Requirement, including an election of invention for further examination. In addition, in view of the election made herein, Applicants also submit Amendments to the Claims for the present application.

### **Response to Restriction Requirement**

Claims 1-17 are currently pending in the present application. The Examiner has restricted the present invention under 35 USC §372 for allegedly lacking unity of invention under PCT Rule 13.1. In the Official Action, the Examiner has required Applicants to elect from the following groups of inventions:

Group I        Claims 1-14 drawn to products of Formula I

Group II       Claims 15-17 drawn to methods of treatment

In addition, the Examiner has further required election of a single species within each group to which the claims will be restricted in the event no Markush claim is finally held allowable.

Accordingly, Applicants elect, without traverse, the invention defined by Group I (products of Formula I) and the single compound of Example 2: 5-(3,7-Difluoro-6H-dibenzo[b,e]oxepine-11-ylidenemethyl)-1-(1-methyl-piperidin-4-yl)-1,3-dihydro-benzoimidazol-2-one, E-isomer. Pending claims 1, 3, 4, 6, 8, 9, 11, 14 and new claim 20 read upon this elected species.

Applicants reserve their right to request consideration of claims to additional species upon the Examiners identification of an allowable Markush claim. In addition, Applicants expressly reserve their right to request rejoinder of the non-elected method claims drawn to compounds of Group I, under MPEP §821.04, upon the indication of allowable subject matter.

Included herewith, Applicants submit an amendment to the claims which brings the claims into conformance with the election of invention made above. Applicants expressly reserve the right to file one or more continuations and /or divisional applications claiming any non-elected subject matter.

### **Claim Amendments**

In order to expedite prosecution and bring the claims into agreement with the election of invention made herein, Applicants propose the present amendments to the claims. Claims 15

through 17 have been withdrawn in accordance with the election. In addition, new Claim 20 has been added which is drawn to select species within the scope of Claim 1 and invention elected herein.

Basis for new Claim 20 may be found in the specification as filed, including the original claims. In particular, basis for new Claim 20 may be found at original Claim 1 and specifically at Examples 2, 3, 4, 10, and 47. In view of this support, it is respectfully submitted that the present amendments constitute no added matter.

Applicants respectfully request entry of the present amendments and passage of the case for examination. The Examiner is invited to contact the undersigned attorney should any questions arise as a result of the submission provided herein, or in the event any questions arise at any point during examination.

Respectfully submitted,

/Alexander Wilson/

Alexander Wilson  
Attorney for Applicant(s)  
Registration No. 45,782  
Phone: 317-277-0190

Eli Lilly and Company  
Patent Division  
P.O. Box 6288  
Indianapolis, Indiana 46206-6288  
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